

MINUTES OF THE BOARD OF HEALTH MEETING
June 25, 2018

PRESENT: Matthew Newman (Chair), Gary Fine (Clerk), Gail McSweeney (Member), Edwin Thorne (DMI Director), Sheila Landy (Secretary), Marialaina “Mimi” Lannin (homeowner), Paul Menard (PACTV Recorder), Dave Antoine (PACTV Recorder), and Nelson Rocha (homeowner – variance request).

6:00 MR. NEWMAN OPENED THE MEETING AND READ THE STATEMENT REGARDING AUDIO RECORDING OF THE MEETING

SCHEDULED APPOINTMENT – Marialaina Lannin – Status update for septic at 58 Woodbine Ave.

The Chair stated there is a problem with the septic tank at 58 Woodbine Ave. Lannin contacted three installers for a quote to replace the metal septic tank on her property (Jay McPhee, Al Wood and Bob Morrisette). Only Al Wood and Jay McPhee returned her call. Al Wood said he was too busy to take on the job. McPhee went over and did a Title V on it determine if the system was otherwise good. The field is good, the tank is not leaking yet but the distribution box needs to be repaired or replaced. McPhee will get back to her with a price to replace the tank, distribution box and some piping. McSweeney asked if it was a financial hardship to repair. Lannin said she did not know at this time since she didn't have a quote. McSweeney advised her Pembroke has a Septic Betterment Program that could assist her with a low interest loan. Mr. Thorne stated the Treasurer's Office would be handling the paper work. Chair Newman stated this had to be done. Health Agent Fred Leary stated on the permit for an addition in 2003 the tank needed to be replaced. Al Wood submitted the permit application and never picked it up. Lannin stated she didn't know she had to do it. The requirement for tank replacement was stated on the building permit application and a septic permit was submitted. Fine asked if, finances aside, she planned to make the repairs. Lannin said yes, she wanted to bring the property back in to compliance. Lannin stated she would like to have the projected completed by the end of September. McSweeney asked if she could get the quote in the next couple of weeks and send it in to the office. Lannin said yes. The Chair stated personal updates make it easier for the Board to see progress. Fine asked if she need to get another estimate. Lannin stated McPhee has invested a lot of time and she is happy with his work. The Chair asked for an update at the next meeting. He stated she does not have to attend but to send the information in to the office.

SCHEDULED APPOINTMENT – Nelson Rocha – Variance Request for 31 Long Hill Road

Mr. Rocha appeared on the behalf of his parents. The variance is for the setback to the septic tank from new deck footings. Mr. Rocha's parents purchased the house when it was built in 1975. In 1982, the existing deck was added along with an addition. The original deck went over the septic by about six inches. The proposed deck will be at least 3 feet from the tank as opposed to right next to it. They are making the new deck smaller and cantilevering the footings to get as far away from the tank as possible. However it still encroaches. McSweeney made a motion to accept a variance for the setback of the footings from the required ten feet to three feet at 31 Long Hill Road. The Chair seconded, Fine abstained and the motion passed. Rocha was told to have the contractor hand dig the footings near the septic tank.

BOARD ACTION – McSweeney made a motion to accept the Minutes of May 7, 2018. Fine seconded and all were in favor. McSweeney made a motion to accept the Minutes of May 21, 2018. Fine seconded and all were in favor.

BOARD ACTION – Variance Request 21 Adams Ave – Webby Engineering plans

The variances are reductions requested under maximum feasible compliance:

1. Allow the Prop. S.A.S. to be 13' from a cellar wall instead of 20' required.
2. Allow the Prop. Septic Tank to be 8' from a cellar wall instead of 10' required.
3. Allow a 4.08' separation from the bottom of the Prop. S.A.S. and soil mottling instead of 5' required.

MINUTES OF THE BOARD OF HEALTH MEETING

June 25, 2018

Mr. Primmer commented on his report the addition of an impermeable membrane. Fine made a motion to accept the above variances with the addition of a 45mil membrane around the S.A.S. per Mr. Primmer. McSweeney seconded and all were in favor.

BOARD ACTION – Variance Request 24 Forest Street – McGlone Enterprises plan

The variances are reductions requested under maximum feasible compliance:

1. Allow S.A.S. to be a distance of 51' from the adjacent wetland, rather than Pembroke's 75' min.
2. Reduction in the required setback cellar wall to S.A.S. from 20' to 11'.
3. Reduction in the separation between the bottom of the S.A.S. and the maximum seasonal high water table from 5.0' to 4.0'.

For this property, Mr. Primmer also recommended the addition of an impermeable membrane in his report. McSweeney made a motion to accept the above variances with the addition of a 45mil rubber membrane 5' off the S.A.S. until 20' from the foundation per Mr. Primmer. Fine seconded and all were in favor.

HEALTH AGENT'S REPORT

Mr. Fine made a motion that only the Health Agent would give the Health Agent Report. McSweeney seconded the motion. Fine and McSweeney voted in favor, Chair Newman voted against and the motion carried. The Chair asked Mr. Fine how he would like to proceed. McSweeney stated it was part of the Health Agent's duties to be at the Board of Health Meetings. Mr. Fine stated he was glad the Agent completed the report before falling ill and since they had the report, they should read it and if they had any questions, they should ask the Health Agent Directly. Fine stated he felt the secretary doing the report put the secretary in a compromising situation. Chair Newman said he understands that reasoning but he was curious as to the timing of the motion as he was caught by surprise. McSweeney stated the Board needs the Health Agent present when they meet. Future discussion will be about ponds. The Board needs to know where these algae blooms are coming up, where the pond samples are taken weekly. We need deal with this this year. Fertilizer and the ponds need to be on the warrant. Thorne stated he would share with the pond the study done by ... and the recommendations made. We made a bylaw banning feeding of water fowl. Newman asked about the Health Agent's Report: do we need to change the report? McSweeney said they need to know anything pertinent relating to the public. She would like an email weekly with the pond testing results. Matt agreed. The secretary said they are posted to the Town website weekly but she could email the link when the results are posted. The Chair tabled the rest of the Health Agent's report until she was able to present herself.

OLD BUSINESS

STREAMLINE VARIANCE REQUEST APPROVAL PROCEDURE

Newman said at the last meeting they started to discuss streamlining the process for routine variance requests. He stated he like McSweeney's idea of an e-mail trail tracking any variance requests and the action taken to speed up the process for the residents. He thought it was a great idea. Mr. Fine recalled the last discussion was about realigning the schedule with the Selectmen's schedule and the variance request got melded in. He is against a blanket order to approve variances without Board approval. Fine asked if this is on an emergency situation or for everyday occurrence. Thorne asked if it would help the Board if he and the Health Agent discussed scenarios where the Health Agent could take care of a variance without the Board and came up with a presentation to the Board laying out the guidelines. Thorne stated the Board of Selectmen has signed off on him taking over some of the day-to-day requirements of the Town Hall. McSweeney likes the idea of streamlining the process with some tweaking. There are things they are not being informed about and she would like to be informed of properties in question and the particulars of what is going on, a report on it. The Secretary said they would receive the same information they get now but by email. Anything requiring an abutter notification or a more complex variance or a homeowner requesting a variance would still come before the Board for approval.

UPCOMING ISSUES

MINUTES OF THE BOARD OF HEALTH MEETING

June 25, 2018

The Chair asked Ms. McSweeney about her request for a discussion about lawn treatments in close proximity to the ponds. She would like to see the legality of the Board to make this a vote; she would like to see this go into the bylaws at Town Meeting stating there no property can treat from 50 feet of the water line with pesticides or fertilizer. A lot of the green algae at the ponds are the result of runoff from the lawns after rain. This is more than a problem with water fowl.

Mr. Fine asked when the board was meeting next. The Secretary said the next meeting is scheduled for July 9th to stay in sync with the Selectmen. She also stated that both the Secretary and the Health Agent were on vacation that week. Chair Newman stated the next meeting date would be determined in the near future.

Mr. Fine asked the Secretary to ask the Health for a couple of updates and to email the Board. One, the rooster situation on Mattakeesett St. Two, an update on 92 Birch St. McSweeney asked about 98 Birch St. and asked for any updates available to the Town.

The Chair asked for a motion to adjourn. McSweeney made a motion to adjourn, Fine seconded. The Chair said all in favor of a motion to adjourn at 6:55pm, say Aye. All were in favor.

Matthew Newman
Chair